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IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

IN RE:) Chapter 11
) Case No. 08-35653 (KRH)
CIRCUIT CITY STORES, INC., et al.,)
) Jointly Administered
Debtors.)

**RESPONSE OF HAYWARD 880, LLC
TO DEBTORS TWENTY-SECOND OMNIBUS
OBJECTION TO CERTAIN CLAIMS
(DISALLOWANCE OF CERTAIN CLAIMS
FILED AGAINST THE WRONG DEBTOR)
(Claim No. 7168)**

This response is filed by Hayward 880, LLC ("Hayward") to the Debtors' Twenty-Second Omnibus Objection to Certain Claims (the Disallowance of Certain Claims Filed Against the Wrong Debtor) ("Objection"). In the Objection, the Debtors assert that Hayward's Claim No. 7168 filed in the amount of \$74,907.39 is filed against the wrong debtor, Circuit City Stores West Coast, Inc.

Hayward disputes this objection on the grounds that Claim No. 7168 filed in the Circuit City Stores West Coast, Inc. case ("Case No. 08-35633") is based on the pre-petition amounts due on a certain non-residential lease between Hayward and Circuit City Stores West Coast, Inc., dated May 3, 2004, a copy of which is attached hereto as Exhibit A and made a part hereof. Furthermore, Hayward asserts that Claim Number 7171, filed against Circuit City Stores, Inc. in the amount of \$74,907.39 is proper due to the fact that the West Coast Lease referred to above

was guaranteed by Circuit City Stores, Inc., as evidenced by the Guaranty of Lease dated May 3, 2004 between Batavia Holdings, Inc., the predecessor to Hayward 880, LLC and Circuit City Stores, Inc. Circuit City by this Guaranty guaranteed lease between Hayward 880, LLC and Circuit City Stores West Coast, Inc. A copy of the Guaranty is attached hereto as Exhibit B and made a part hereof.

These documents demonstrate that the obligation of Circuit City Stores West Coast, Inc. to Hayward 880, LLC under the West Coast lease as set forth in Claim Number 7168 is proper and is a separate contractual obligation from the obligation of Circuit City Stores, Inc., as evidenced by Claim Number 7171 based upon the Lease Guaranty.

THEREFORE, based thereon, Hayward request that the Court deny the Debtors' Objection to Hayward's Claim No. 7168, as a claim filed against the wrong debtor.

Dated: July 14, 2009

HAYWARD 880, LLC

By /s/ Paul S. Bliley, Jr.
Of Counsel

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Counsel for Hayward 880, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of July, 2009, I caused a copy of the foregoing to be served by electronic means on the "2002" and "Core" lists and through the ECF system.

/s/ Paul S. Bliley, Jr.
Paul S. Bliley, Jr.

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